

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 14, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 21-40 are pending in the Application. Claims 1, 10, 12 and 13 are independent claims. By means of this amendment, claims 1-20 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

Applicants respectfully request the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, restriction is required as between Species A through Species L. In the Office Action, Species A is alleged directed towards a backlight for a display device WITH a switchable diffuser for switching between 2D and 3D mode as shown in Fig 8, page 5 line 13, and at pages 8-9, lines 29-31 and 1-5 respectively of the specification; Species B is alleged directed towards a backlight for a display device WITHOUT a switchable diffuser for switching between 2D and 3D mode; Species C alleged directed towards a backlight for a display device comprising grooves that are skewed as shown in Fig. 4, page 5 line 4, and at pages 7-8, lines 17-32 and 1-5 respectively of the specification;

Species D is alleged directed towards a backlight for a display device comprising grooves that are segmented and staggered as shown in Fig. 6, page 5 line 8 and at page 8, lines 17-21 of the specification; Species E is alleged directed towards a backlight for a display device comprising grooves that are straight as shown in Fig. 1, page 4, line 28 and at pages 5-6, lines 19-32 and 1-18 respectively of the specification; Species F is alleged directed towards a backlight for a display device comprising groove geometry as shown in Fig. 7A, page 5 line 10-12; Species G alleged directed towards a backlight for a display device comprising groove geometry as shown in Fig. 7B, page 5 line 10-12; Species H is alleged directed towards a backlight for a display device comprising groove geometry as shown in Fig. 7C, page 5 line 10-12; Species I is alleged directed towards a backlight for a display device comprising a groove geometry as shown in Fig. 7D, page 5 line 10-12; Species J is alleged directed towards a backlight for a display device comprising groove geometry as shown in Fig. 7E, page 5 line 10-12; Species K is alleged directed towards a backlight for a display device comprising groove geometry as shown in Fig. 7F, page 5 line 10-12; and Species L is alleged directed towards a backlight for a display device comprising no groove geometry and a micro-structured foil laminated on the face of the substrate as shown in Fig. 9, page line, and at page 10, lines 1-8 of the specification. The Office Action provides no guidance as to how it is believed the

claims as previously presented correspond to the identified species.

It is respectfully submitted that the cancellation of claims 1-20 renders this restriction requirement moot however, in expectation of a similar restriction requirement regarding the currently pending claims, this restriction requirement is respectfully traversed.

Election of Species Under Traverse

In response, as a formality merely to comply with 37 C.F.R. §1.143, Applicants hereby preliminarily elect a single species from each of three designated groups as requested on page 3 of the Office Action, although no explanation is provided as to why it is requested to elect three species. The alleged separate species are provided in the Office Action in three groups with a group related to Switchability (alleged as Species A, B); Groove Layouts (alleged as Species C, D, E); and Groove/Lens Type and Filler Material (alleged as Species F, G, H, I, J, K, L). Applicants elect under traverse, alleged Species B, Species C, and Species G.

It is respectfully submitted that identification of the claims that pertain to each of the named species is difficult since the basic premise of the restriction requirement, namely that the claims as presented "lack unity of invention because they are not so linked as to form a single general inventive concept under PCT

Rule 13.1", does not pertain to the currently pending claims, nor the canceled claims for that matter.

Species B is alleged directed towards a display without a switchable diffuser. As a first matter, as none of the claims positively recite that a switchable diffuser is not included and each claim is drafted as "comprising" thereby leaving open a possibility that an unnamed element may be included, it can only be understood that this species is intended directed to each claim that does not positively recite a diffuser and accordingly applies to each of claims 21-38 and 40.

Species C is alleged directed towards a backlight for a display device comprising grooves that are skewed and accordingly applies to any claim generally reciting a backlight as well as claims reciting a backlight including skewed grooves, namely claims 21-39.

Species G is alleged directed towards a backlight for a display device including backlight for a display device wherein the display device includes groove geometry as shown in Fig. 7B and accordingly applies to any claim generally reciting a backlight as well as claims reciting the geometry shown in FIG. 7B, namely claims 21-39.

It is alleged on page 3, paragraph 1.4 that no claim is considered to be generic. This position is respectfully traversed. Since all of claims 22-40 are dependent on claim 21, claim 21 is by definition generic to each of claims 22-40. Further, claim 22 is

generic to each of claims 23-33 and 37-39 as each of claims 23-33 and 37-39 depends from claim 22.

Arguments in Support of Traversal of Restriction

MPEP §1850 makes clear that in considering unity of invention under PCT Rules 13.1 and 13.2 prior to recitation of prior art that may affect pending claim scope, (emphasis added) "[u]nity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By 'dependent' claim is meant a claim which contains all the features of one or more other claims and contains a reference, preferably at the beginning, to the other claim or claims and then states the additional features claimed (PCT Rule 6.4)." By definition, each of the dependent claims share a single general inventive concept with the claims from which each depends and accordingly are excluded from consideration for unity of invention.

In fact, it is respectfully submitted that the very premise of the identified species is flawed in that a simple recitation of a claim feature in open ended claims as presented herein, does not exclude a potential other feature unless those cited features are mutually exclusive. For example, the recitation of "wherein the light diffuser is switchable between a high scattering mode and a low scattering mode" as recited in claim 39, does not exclude an embodiment such as "wherein the grooves of the light guide are

skewed by an angle relative to columns of sub-pixels of the display panel" as recited in claim 38.

Since recitation of a feature in the claims as provided in the present patent application does not exclude other features, the claims from the elected species pertain, as identified above, to almost all of claims (Species B, claims 21-38 and 40; Species C, claims 21-39; Species G, claims 21-39) of the present application.

It is respectfully submitted that the restriction requirement is in error and is not supportable under PCT Rules 13.1 and 13.2 since each of the claims share a single general inventive concept, namely "a backlight, the backlight comprising a planar light guide through which light is guided transversely by internal reflection, wherein regions of the light guide are configured to direct light propagating within the light guide, out of a face of the light guide so as to form a plurality of line light sources". Accordingly, it is respectfully requested that the restriction requirement be withdrawn.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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